

REMARKS

Claims 1-28, 58, 60, and 62-73 are pending. Claims 3-5, 8 and 9 are allowed. Claim 58 is newly cancelled without prejudice. Claims 1, 2, 6, 7, 12, 13, 14, 15, 16, 22, 23, 27, 28, 60, 62, 66, 70 and 72 are newly amended. The claim amendments find support in the specification and are discussed below. No new matter has been entered.

Specifically, claims 12, 13, 14, 22, 23, and 72 have been amended to add correct punctuation.

Claims 1, 2, 6, 7, 62 and 66 have been amended by replacing the phrase “optionally formylated” in reference to a methionine residue at the N-terminus, is replaced with the phrase “is formylated or unformylated” to remove any perceived indefiniteness.

Similarly, Claims 15 and 16 have also been amended by replacing the phrase “optionally formylated” in reference to a methionine residue at the N-terminus, is replaced with the phrase “is formylated or unformylated” to remove any perceived indefiniteness. Claims 15 and 16 have been further amended to remove their dependency on claims 1 and 6, respectively, so that they are now independent claims. Claim 15 has been further amended to specify that the claimed antibody is directed against a peptide consisting of SEQ ID NO:1 or SEQ ID NO:22, while claim 16 has been further amended to specify that the claimed antibody is directed against a peptide consisting of SEQ ID NO: 17 or SEQ ID NO:23.

Claims 27 and 28 have been amended to include the word “and” between items “A” and “B”.

The antibodies encompassed by the method of Claim 60 has been reformatted in the format of a Markush group.

The claim dependency of claim 70 has been amended from claim 2 to claim 62, which is consistent with the remaining claim language of claim 70.

Applicant believes no new issues are presented by these claims amendments, and respectfully requests reconsideration.

Maintained Rejections:

35 U.S.C. 112, second paragraph

Claims 1, 2, 6, 7 and 10-14 stand rejected as being indefinite in the recitation of “optionally formylated”, because it is unclear what limitation is placed upon the claims by “optionally” formylating a methionine which is present at the terminus of the sequence.

Accordingly, Applicant has amended the instant claims to remove the recitation of the phrase “optionally formylated”.

Claims 15-23 stand rejected as being indefinite because the genus of antibodies directed to unknown amino acid sequences in a sequence having $\geq 90\%$ homology to sequences actually listed is unclear.

Applicant has amended claims independent claims 15 and 16 to specify that the recited genus of antibodies is directed to sequences actually listed, e.g. SEQ ID NO: 1 and SEQ ID NO:21 for claim 15, and SEQ ID NO:17 and SEQ ID NO:23 for claim 16.

In light of these claim amendments, Applicant respectfully requests reconsideration and withdrawal of the instant rejections.

35 U.S.C. 112, first paragraph

Claim 58 stands rejected under 35 U.S.C.112, first paragraph, because the specification while being enabling for purification of various proteins and in vitro binding assays, does not reasonably provide enablement for methods for preventing and/or treating the listed diseases. Specifically, the office action maintains the rejection for the reasons of record, and contends that while there may be a relationship between the listed diseases and the claimed peptides, neither the specification nor the art support the claim that the compositions of the claimed peptide will actually prevent or treat the listed diseases.

Applicant respectfully traverses. However, in the interest of advancing prosecution, Applicant has canceled claim 58, without prejudice, rendering the instant rejection moot.

New Rejections necessitated by amendment

35 U.S.C. 112, second paragraph

Claim 27 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention,

Specifically the office action indicates it is not clear if the kit comprises “A and B” or “A or B”.

Accordingly Applicant has amended claim 27 so that it specifies that the claimed kit comprises “A and B”.

Claim 28 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention,

Specifically the office action indicates it is not clear if the kit comprises “A and B” or “A or B”.

Accordingly Applicant has amended claim 28 so that it specifies that the claimed kit comprises “A and B”.

Claim 58 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Specifically the office action indicates it is not clear if the method comprises “i and ii and iii”, or “i or ii or iii” or some other combination.

As described above, Applicant has canceled claim 58, without prejudice, rendering the instant rejection moot.

Claims 62, 65-69 and 73 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Specifically the office action indicates it is not clear what limitation the phrase “wherein a methionine residue at the N-terminus is optionally formylated” places on the claimed peptide.

Applicant has amended the claims by replacing the phrase “optionally formylated” in reference to a methionine residue at the N-terminus, is replaced with the phrase “is formylated or unformylated” to remove any perceived indefiniteness.

Claim 70 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Specifically the office action indicates it is not clear what limitation the phrase “wherein a methionine residue at the N-terminus is optionally formylated” places on the claimed peptide, in noting that claim 70 depends from claim 2.

Applicant has amended claim 2 by replacing the phrase “optionally formylated” in reference to a methionine residue at the N-terminus, is replaced with the phrase “is formylated or unformylated” to remove any perceived indefiniteness.

Claim 71 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Specifically the office action indicates it is not clear what limitation the phrase “wherein a methionine residue at the N-terminus is optionally formylated” places on the claimed peptide, in noting that claim 71 depends from claim 1.

Applicant has amended claim 1 by replacing the phrase “optionally formylated” in reference to a methionine residue at the N-terminus, is replaced with the phrase “is formylated or unformylated” to remove any perceived indefiniteness.

Claim 72 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Specifically the office action indicates it is not clear what limitation the phrase “wherein a methionine residue at the N-terminus is optionally formylated” places on the claimed peptide, in noting that claim 72 depends from claim 6.

Applicant has amended claim 6 by replacing the phrase “optionally formylated” in reference to a methionine residue at the N-terminus, is replaced with the phrase “is formylated or unformylated” to remove any perceived indefiniteness.

Claims 24-26, 63 and 64 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Specifically the office action indicates that these claims depend from rejected claims.

Applicant contends that the above described amendments position the formerly rejected claims to be in condition for allowance.

In light of the above comments and amendments, Applicant respectfully requests reconsideration and withdrawal of the instant rejections.

Conclusion

Applicant submits that all claims are allowable as written and respectfully request early favorable action by the Examiner. If the Examiner believes that a telephone conversation with Applicant’s attorney/agent would expedite prosecution of this application, the Examiner is cordially invited to call the undersigned attorney/agent of record.

Respectfully submitted,

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